

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8374 OF 2006

Grampanchayat Mayani		Petitioner.
V/s		
The State of Maharashtra & Ors...		Respondents.

Mr.S.V.Pitre, Adv. For the petitioner.

CORAM: A.P.DESHPANDE, J.

3/7/07

PC:

The respondent-plaintiff instituted a suit for perpetual injunction for restraining the present petitioner from dispossessing the plaintiff. The respondent moved an application claiming temporary injunction and contended that a shed-like structure was in existence since long and was also in existence on the date of filing of the suit. The same came to be removed during pendency of Temporary Injunction Application and a restoration thereof was sought. The trial Court has restored the respondent's structure and the petitioner has been restrained from dispossessing the plaintiff. An appeal preferred by the petitioner against the said order has been dismissed by the District Judge. Both the Courts below have found that the respondent has made out prima facie case about existence of the shed by producing various documents such as electricity bills, lease deed etc. The Courts below being of the view that if no temporary injunction is granted the respondent will suffer. Perused the order. The same does not call for interference in exercise of writ jurisdiction. However ends of justice would be met by directing the trial Court to decide the suit as expeditiously as possible preferably within a period of six months from today. Order accordingly. Writ petition thus stands summarily dismissed.

3.7.07